



**HUMAN RESOURCES OFFICE
TECHNICIAN / AGR ADMINISTRATIVE INSTRUCTION**

Number: 08-04

22 January 2008

**LOSS OF MILITARY MEMBERSHIP
EXPIRES: No Expiration**

1. While drafting the National Guard Technician Act of 1968 (P.L. 90-486), the U.S. Senate recognized the importance of the technician's military assignment in relation to full-time employment. Law includes the requirement for military membership and compatible military assignment as a part of this legislation. It is a **legal requirement** for dual status technicians that hold excepted appointments in the Federal Civil Service to be a member of the National Guard.
2. An excepted technician who is employed in a position in which National Guard membership is required as a condition of employment, and who is separated from the National Guard or ceases to hold the military grade specified for the position by the Secretary concerned, shall be **promptly** separated from technician employment by The Adjutant General of the jurisdiction concerned.
3. Once a technician is notified of military discharge for any reason, it is the responsibility of the supervisor and technician to notify the Human Resources Office (HRO) immediately. **Failure to do so could create undue hardship for the employee and may be cause for adverse action against the supervisor.**
4. In accordance with law, rule and regulation, once the HRO receives a copy of the discharge order, a 30-day notice will be issued to the technician and, if eligible, retirement information. In order to comply with the law, the HRO should be advised of a technician's discharge date 45 days before the effective date of the discharge. Technicians should not work past their military discharge dates. The Congressional intent of the law is that the military discharge and the technician separation dates should coincide.
5. It is imperative that supervisors, managers and employees be cognizant of the consequences of allowing a technician to continue to work after the discharge date.
6. If you have any questions or need assistance, please call Capt Stuart D. Ewing, Deputy Human Resources Officer, at (916) 854-3402, DSN 466-3402 or CAGNET 63402.

A handwritten signature in black ink, appearing to read "L. Cooper".

LAWRENCE D. COOPER
COL, GS, CA ARNG
Director for Human Resources

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